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19 Attorneys for Plaintiff
20 MONTE RUSSELL

21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**

23 MONTE RUSSELL, on behalf of
24 himself and others similarly situated,

25 Plaintiff,

26 v.

27 WELL'S FARGO & COMPANY,

28 Defendant.

CASE NO. C 07-03993 CW

HONORABLE CLAUDIA WILKEN
COURTROOM 2, 4th Floor

**STIPULATION FOR
CONTINUATION OF CASE
MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

1 THIS STIPULATION AND AGREEMENT is made and entered into by and
2 between Plaintiff Monte Russell ("Plaintiff") and Defendant Wells Fargo & Company
3 ("Defendant") and applies to the lawsuit captioned *Russell v. Wells Fargo & Company*,
4 No. C-07-3993 CW (N.D. Cal.).

5 1. Plaintiff filed this action on August 2, 2007, asserting claims pursuant to
6 29 U.S.C. § 216(b) of the Fair Labor Standards Act.

7 2. On September 27, October 15, and October 26, 2007, Plaintiff and
8 Defendant conferred pursuant to Rule 26(f) of the Federal Rules of Civil Procedure,
9 Local Rule 16-9 and the Court's Order Setting Initial Case Management Conference
10 and ADR Deadlines.

11 3. The parties have an agreement to mediate this action and have agreed to
12 a course of action to prepare for mediation. The parties have conferred regarding an
13 appropriate date for mediation of this action such that the parties have sufficient time to
14 prepare for mediation and have agreed that the mediation will take place during the first
15 quarter of 2008. Because the calendars of many individuals are involved, including
16 counsel for both parties, the parties themselves and a private mediator, agreement to a
17 precise date has not yet been reached.

18 4. The parties have discussed and agreed to an informal exchange of
19 documents and information prior to mediation. The parties agree that this informal
20 exchange of information is more productive and efficient for purposes of mediation
21 than formal discovery.

22 5. In addition, the parties have agreed to toll the statute of limitations for
23 claims raised in the Complaint for the putative collective action members to ensure that
24 no putative collective action members will be prejudiced by this agreement of the
25 parties to mediate.

26 6. Your Honor issued an Order on October 25, 2007, *inter alia*, referring
27 this case to private ADR to be held by the deadline of ninety (90) days from the date of
28 the Order.

1 7. The parties further agree that it would be most effective to continue the
2 scheduled Case Management Conference in this matter to a date within 30 days
3 following the mediation at which point the parties will either (a) inform the Court that
4 the matter has been resolved and propose a timeline for approval of the settlement and
5 dismissal of the action; or (b) inform the Court that the case has not resolved and
6 propose an appropriate scheduling order.

7 8. Based on the forgoing, Plaintiff, by and through his attorneys of record,
8 and Defendant Wells Fargo & Company, by and through its attorneys, hereby stipulate
9 to continue the Case Management Conference.

10 DATED: November 1, 2007 AUDET & PARTNERS, LLP

11 By: _____
12 ADEL A. NADJI

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20 Facsimile: (415) 568-2556

21 *Attorneys for Plaintiff*

22 DATED: November 1, 2007 HODEL BRIGGS WINTER LLP

23 By: _____
24 GLEN L. BRIGGS

25 Glenn L. Briggs
26 Theresa A. Kading
27 HODEL BRIGGS WINTER LLP
28 8105 Irvine Center Drive, Suite 1400
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29 *Attorneys for Defendant*

[Proposed] ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED; the Case Management Conference, which was previously scheduled to be held at 2:00 p.m., on November 6, 2007 in Courtroom 2, Oakland, California has been continued and will be held at 2:00 p.m. on 4/8/08 @ 2:00 p.m., 2008 in the above entitled Court.

Date: November 5, 2007

The Honorable Claudia Wilken

PROOF OF SERVICE

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

I am employed in the County of San Francisco, State of California; my business address is 221 Main Street, Suite 1460, San Francisco, California 94105. I am over the age of 18 and not a party to the within action. On this date I served the following documents:

**STIPULATION FOR CONTINUATION OF CASE MANAGEMENT CONFERENCE AND
[PROPOSED] ORDER**

on the parties shown below:

Glenn L. Briggs
Theresa A. Kading
HODEL BRIGGS WINTER LLP
8105 Irvine Center Drive, Suite 1400
Irvine, California 92618
Telephone: (949) 450-8040
Facsimile: (949) 450-8033
Attorneys for Defendant

X (BY FAX) I am readily familiar with the firm's practice of facsimile transmission; on this date the above-referenced documents were transmitted, the transmission was reported as complete and without error and the report was properly issued.

(BY ELECTRONIC FILING) On this date I provided the documents(s) listed above electronically through the Court's electronic filing service provider pursuant to the instructions on that website.

(BY E-MAIL) On this date, the above-referenced documents were converted to electronic files and e-mailed to the addresses shown.

(BY PERSONAL SERVICE) I caused the above documents to be delivered by hand pursuant to CCP § 1011.

X Federal: I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

State: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on this 1st day of November, 2007 at San Francisco, California.

Hannah Weinberg